

CHESTER TOMASI

MARCH 3, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. ASHMORE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5976]

The Committee on the Judiciary, to whom was referred the bill (H. R. 5976) for the relief of Chester Tomasi, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 11, strike out, "in excess of 10 per centum thereof".

PURPOSE

The purpose of the proposed legislation is to pay Chester Tomasi of Chicago, Ill., the sum of \$1,000 in full settlement of his claims against the United States for reimbursement for a bond posted by Caterina Cantele for Mrs. Clorinda Tomasi (nee Petucco) October 18, 1949, and repaid by Chester Tomasi.

STATEMENT

Clorinda Petucco, who is now the wife of Chester Tomasi, came to the United States in 1949; and was admitted as a visitor for pleasure. Her visitor's visa was valid until April 18, 1950, and was extended until October 17, 1950. In accordance with the immigration laws a departure bond in the sum of \$1,000 was furnished to guarantee maintenance of status and subsequent departure.

On September 23, 1950, Miss Petucco married Chester Tomasi, the claimant named in H. R. 5976. On October 31, 1950, she applied for preexamination. Thereafter she remained in the United States until February 12, 1952, when she crossed into Canada and returned the same day and was admitted into the United States as a nonquota immigrant. After she was admitted, on March 12, 1952, the departure

bond posted in her behalf was declared breached and the proceeds of the collateral were deposited in the United States Treasury.

However the claimant, Chester Tomasi, contends that his wife did in fact leave within the period of her temporary stay, and therefore that the conditions of the bond were complied with. The circumstances of that departure are outlined in the following excerpt from an affidavit filed by Mr. Tomasi with the committee:

Affiant and his wife left Chicago on their honeymoon for Niagara Falls. When they were at Niagara Falls they crossed over into Canada. They have in their possession an order from the Canadian Immigration Service, bearing the stamp of "Canada Immigration, Whirlpool Rapids Bridge, October 2, 1950, Niagara Falls, Ontario," which shows that Clorinda Tomasi of 2911 East 95th Street, Chicago, Ill., a person seeking to enter Canada at this port on October 2, 1950, at 5 p. m., has this day been examined by the board of inquiry (or officer in charge) at this port and has been rejected for the following reasons: "Does not come within the nonimmigrant classes described in section 2, paragraph H IV of the Immigration Act and that said person is ordered to be deported to the place whence he came to Canada or to the country of his birth or citizenship. Such conveyance shall be by transportation, the transportation company which brought the said person to Canada."

This indicates that the claimant and his wife were under the impression that the bond's conditions had not been breached. Also subsequently Mr. Tomasi's wife was able to adjust her status through the procedure of preexamination, so that she was granted a nonquota immigrant visa.

The following receipt was submitted to the committee to show that Chester Tomasi had paid the amount stated in the bill:

NOVEMBER 16, 1956

I hereby acknowledge that I have received \$1,000, from Chester Tomasi, a full repayment on United States Treasury bond of 1950, purchased from the Continental Illinois National Bank & Trust Co. of Chicago, on October 18, 1949, in the amount of \$1,000. Par value receipt No. GC-86837. Said bond was used as surety to permit Clorinda Petucco (now the wife of Chester Tomasi) to enter the United States of America.

CATERINA CANTELE.

STATE OF ILLINOIS,

County of Cook, ss:

Caterina Cantele, personally known to me, appeared before me this 27th day of November 1956, and acknowledged that she signed the above instrument of her own free will, and that the statement made therein is true.

[SEAL]

JOHN J. CANTELE,
Notary Public.

My commission expires September 26, 1959.

In the light of the circumstances of this case the committee recommends that the bill be considered favorably.

UNITED STATES DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., April 30, 1957.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 5976), for the relief of Chester Tomasi.

The bill would provide for the payment of the sum of \$1,000 to Chester Tomasi, of Chicago, Ill., as reimbursement for the amount alleged to have been paid by him as the result of the forfeiture of a departure bond posted by Caterina Cantele in behalf of claimant's wife, Clorinda Tomasi (nee Petucco) on the occasion of her admission as an alien in 1949.

Clorinda Petucco, who later became claimant's wife, was admitted to the United States as a visitor for pleasure pursuant to section 3 (2) of the Immigration Act of 1924 (8 U. S. C. 203). A departure bond in the sum of \$1,000 was furnished to guarantee maintenance of status and subsequent departure. The terms of the bond provided that should the alien actually depart from the United States without expense to the Government on or before April 18, 1950, the obligor would, upon submission of adequate notice and proof of departure, be released from his bond obligation. Miss Petucco was granted several extensions of her temporary stay, the last one to expire on October 17, 1950. On September 23, 1950, she married Chester Tomasi, an American citizen, and on October 31, 1950, she applied for preexamination. She remained in the United States until February 12, 1952, at which time she crossed into Canada and returned the same day under a nonquota immigrant visa. On March 12, 1952, the bond was declared breached and the proceeds of the collateral were deposited in the United States Treasury.

The bill recites that claimant repaid the amount of the bond to Cantele, the bondsman. This Department has no knowledge as to whether or not such payment was made. However, in this case there was a clear violation of the terms of the bond and of the statutory requirements as laid down by the Congress. There appears to be no justifiable basis for granting this preferential treatment to the claimant through the enactment of the bill, thereby discriminating against the many others who have suffered losses through forfeited departure bonds upon violations of their conditions.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

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1. When State Department of Lands
Office of the U. S. Surveyor General
at Washington, D. C.

Hon. Edmund C. Allen

U. S. Surveyor General

Office of the U. S. Surveyor General

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the land owned by the State of New York.

The land owned by the State of New York is situated in the Township of Lawson, County of Sullivan, State of New York. The land is situated in the Township of Lawson, County of Sullivan, State of New York. The land is situated in the Township of Lawson, County of Sullivan, State of New York.

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